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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/720,070	09/27/1996	RICHARD G HYATT JR.	P53821C	1185
7590	09/17/2004	EXAMINER		
ROBERT E BUSHNELL, ATTORNEY-AT-LAW 1522 K STREET, N.W. SUITE 300 WASHINGTON, DC 200051202		ART UNIT	PAPER NUMBER	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

08/720,070

Applicant(s)

HYATT, RICHARD G

Examiner

Suzanne Dino Barrett

Art Unit

3676

*RJW*

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 03 June 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.

1.  The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4.  The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5.  The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6.  A single ground of rejection has been applied to two or more claims in this application, and
  - (a)  the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b)  the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7.  The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9.  Other (including any explanation in support of the above items):

letter attached.

Suzanne Dino Barrett  
Primary Examiner  
Art Unit: 3676

## **NCTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR**

### **1.192(c)**

This is in response to the appeal brief filed 6/3/04. The appeal brief is defective for the following reasons:

#### **(3) *Status of Claims***

The statement of the status of the claims contained in the brief is incorrect.

Since the amendment filed 6/3/04 has not been entered, the reference to claims 85-89 being cancelled should be deleted.

#### **(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 6/3/04 has not been entered.

Accordingly, Appendix II, listing the claims as amended by the amendment of 6/3/04, should be deleted.

#### **(7) *Grouping of Claims***

The appellant's statement in the brief that each claim stands or falls individually is inconsistent with Appellant's arguments. If each claim stands alone, then each claim must be separately argued. In the instant brief, each claim is not argued separately. It is

noted that all claims are listed in the headings of each separate argument, however, the body of the arguments do not discuss each claim separately. For example, no separate argument could be found for independent claim 101, although it is listed in the argument heading on page 9.

**(8) *ClaimsAppealed***

A correct copy of appealed claims appears in Appendix I attached to the brief, however, as noted above, Appendix II should be deleted since the amendment filed 6/3/04 has not been entered.

**(11) *Response to Argument***

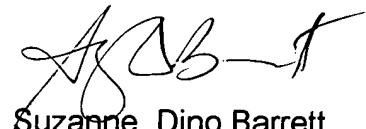
On page 16 of the Appeal Brief, line 4, Appellant argues "Claims ... 120 and 120..." It is unclear which claim Appellant intends to argue.

Additionally, Appellant should make sure that the arguments presented in the brief do not reflect the amendments presented in the amendment after final submitted 6/3/04 which has not been entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 703-308-0825. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett  
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sdb